

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Midas Green Technologies, LLC,

Plaintiff,

- vs. -

Rhodium Enterprises, Inc.;
Rhodium Technologies LLC;
Rhodium 10mw LLC;
Rhodium 2.0 LLC;
Rhodium 30mw LLC;
Rhodium Encore LLC;
Rhodium Industries LLC;
Rhodium JV LLC;
Rhodium Renewables LLC;
Rhodium Shared Services LLC;
Rhodium Shared Services PR Inc.;
Chase Blackmon;
Cameron Blackmon; and
Nathan Nichols,

Defendants.

Civil Action No. 6:22-cv-00050-ADA

Jury Trial Demanded

JOINT MOTION FOR ENTRY OF AMENDED SCHEDULING ORDER

Pursuant to the Court's July 18, 2022 Order indicating that fact discovery shall open on August 1, 2022, and that the parties should meet and confer to propose a new scheduling order to reflect this change, Plaintiff Midas Green Technologies, LLC and Defendants Rhodium Enterprises, Inc.; Rhodium Technologies LLC; Rhodium 10mw LLC; Rhodium 2.0 LLC; Rhodium 30mw LLC; Rhodium Encore LLC; Rhodium Industries LLC; Rhodium JV LLC; Rhodium Renewables LLC; Rhodium Shared Services LLC; Rhodium Shared Services PR Inc.; Chase Blackmon; Cameron Blackmon; and Nathan Nichols (*i.e.*, all Defendants) met and conferred on July 21, 2022. While the parties are amenable to modifying the current scheduling

order beyond modifying the date for the opening of fact discovery, at this time, they do not think any other modifications to the scheduled are required. As the close of fact discovery approaches, the parties will revisit this subject and advise the Court if they believe certain deadlines can be moved to occur earlier. In light of the foregoing, the parties hereby respectfully request that the Court enter the following revised schedule:

Item	Prior Deadline	New Deadline
<p>Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).</p> <p>Midas will produce to Rhodium all of the documents, interrogatory responses or deposition transcripts it produced or provided in the <i>Midas v. Immersion</i> litigation on August 5, 2022. Immersion's production and any Immersion interrogatory responses or deposition transcripts in <i>Midas v. Immersion</i> will be deemed produced by Immersion in this litigation on August 1, 2022 with documents, interrogatory responses, or deposition transcripts produced or designated as "Confidential Information" in that litigation being designated as "Confidential" under the Court's Interim Protective Order and documents produced as "Confidential Attorney Eyes Only Information" in that litigation being designated as "Confidential - Outside Attorneys' Eyes Only" under the Court's Interim Protective Order.</p> <p>In addition, the parties agree that certain email and ESI searching is necessary and appropriate under the circumstances of this case. By August 12, the parties shall meet and confer to formulate a proposal regarding the scope and method of email and ESI searching.</p>	Sept. 27, 2022	Aug. 1, 2022
Deadline to add parties.	Nov. 7, 2022	No change
Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.	Nov. 21, 2022	No change

Item	Prior Deadline	New Deadline
Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)	Jan. 17, 2023	No change
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.	March 27, 2023	No change
Close of Fact Discovery.	April 24, 2023	No change
Opening Expert Reports.	May 1, 2023	No change
Rebuttal Expert Reports.	May 30, 2023	No change
Close of Expert Discovery.	June 20, 2023	No change
Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	June 26, 2023	No change
Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).	July 3, 2023	No change
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). Serve responses to dispositive motions and <i>Daubert</i> motions	July 17, 2023	No change
Serve replies to dispositive motions and <i>Daubert</i> motions	July 24, 2023	No change
Serve objections to pretrial disclosures/rebuttal disclosures.	July 31, 2023	No change
		No change
Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .	Aug. 7, 2023	No change
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .	Aug. 14, 2023	No change

Item	Prior Deadline	New Deadline
File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com	Aug. 21, 2023	No change
Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .		
Last court day for party asserting invalidity or non-infringement to give notice to adverse party of information set forth in 35 USC 282.	Aug. 25, 2023	No change
Parties to jointly email the Court's law clerk (<i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.	Aug. 1, 2023	No change
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .	Sept. 1, 2023	No change
Final Pretrial Conference. Held in person unless otherwise requested.	Sept. 5, 2023	No change
Jury Selection/Trial.	Sept. 25, 2023	No change

CONCLUSION

The Parties respectfully request that the Court enter their proposed schedule for this case.

DATED: July 26, 2022

Respectfully submitted,

/s/ Henry M. Pogorzelski

Henry M. Pogorzelski
Texas Bar No. 24007852
K&L GATES LLP
2801 Via Fortuna, Suite 650
Austin, Texas 78746
Telephone: (512) 482-6800
Fax: (512) 482-6859
Henry.pogorzelski@klgates.com

/s/ Benjamin A. Herbert

Benjamin A. Herbert (*Admitted Pro Hac Vice*)
California State Bar No. 277356
KIRKLAND & ELLIS LLP
555 S. Flower St.
Los Angeles, CA 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500
benjamin.herbert@kirkland.com

Nicholas F. Lenning (*admitted p.h.v.*)
Ruby A. Nagamine (*admitted p.h.v.*)
K&L GATES LLP
925 Fourth Avenue, Suite 2900
Seattle, Washington 98104
Telephone: (206) 370-6685
Fax: (206) 370-6006
nicholas.lenning@klgates.com

James A. Shimota (*admitted p.h.v.*)
Gina A. Johnson (*admitted p.h.v.*)
Benjamin E. Weed (*admitted p.h.v.*)
K&L GATES LLP
70 WEST Madison Street, Suite 3300
Chicago, Illinois 60602
Telephone: (312) 372-1121
Fax: (312) 827-8000
jim.shimota@klgates.com
gina.johnson@klgates.com
benjamin.weed@klgates.com

Counsel for Plaintiff
Midas Green Technologies, LLC

Gianni Cutri (*Admitted Pro Hac Vice*)
Illinois State Bar No. 6272109
KIRKLAND & ELLIS LLP
300 N. LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
gianni.cutri@kirkland.com

Kat Li
State Bar No. 24070142
KIRKLAND & ELLIS LLP
401 Congress Avenue
Austin, TX 78701
Telephone: (512) 678-9100
Facsimile: (512) 678-9101
kat.li@kirkland.com

Ashley L.B. Ross
New York State Bar No. 5303706
KIRKLAND & ELLIS LLP
601 Lexington Ave.
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4600
ashley.ross@kirkland.com

Attorneys for Defendants
Rhodium Enterprises, Inc., Rhodium
Technologies LLC, Rhodium 10mw LLC,
Rhodium 2.0 LLC, Rhodium 30mw LLC,
Rhodium Encore LLC, Rhodium Industries
LLC, Rhodium JV LLC, Rhodium Renewables
LLC, Rhodium Shared Services LLC, Rhodium
Shared Services PR Inc., Chase Blackmon,
Cameron Blackmon, and Nathan Nichols

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who have appeared electronically in this case are deemed to have consented to electronic service and are being served on July 26, 2022 with a copy of this document via the Court's CM/ECF system.

/s/ Benjamin A. Herbert
Benjamin A. Herbert

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,

- vs. -

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Cameron Blackmon; and
Nathan Nichols,

Defendants.

Case No. 6:22-cv-00050-ADA

Jury Trial Demanded

**ORAL ARGUMENT
REQUESTED**

[PROPOSED] AMENDED SCHEDULING ORDER

Having considered of parties' Joint Motion for Entry of Amended Scheduling Order, the Court finds that the motion should be GRANTED.

IT IS THEREFORE ORDERED that the parties' Proposed Amended Scheduling Order is hereby granted and reflected below.

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Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).	Aug. 1, 2022
Midas will produce to Rhodium all of the documents, interrogatory responses or deposition transcripts it produced or provided in the <i>Midas v. Immersion</i> litigation on August 5, 2022. Immersion's production and any Immersion	

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<p>interrogatory responses or deposition transcripts in <i>Midas v. Immersion</i> will be deemed produced by Immersion in this litigation on August 1, 2022 with documents, interrogatory responses, or deposition transcripts produced or designated as “Confidential Information” in that litigation being designated as “Confidential” under the Court’s Interim Protective Order and documents produced as “Confidential Attorney Eyes Only Information” in that litigation being designated as “Confidential - Outside Attorneys’ Eyes Only” under the Court’s Interim Protective Order.</p> <p>In addition, the parties agree that certain email and ESI searching is necessary and appropriate under the circumstances of this case. By August 12, the parties shall meet and confer to formulate a proposal regarding the scope and method of email and ESI searching.</p>	
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Rebuttal Expert Reports.	May 30, 2023
Close of Expert Discovery.	June 20, 2023
Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art	June 26, 2023

Item	Amended Deadline
references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	
Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).	July 3, 2023
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). Serve responses to dispositive motions and <i>Daubert</i> motions	July 17, 2023
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Item	Amended Deadline
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .	Sept. 1, 2023
Final Pretrial Conference. Held in person unless otherwise requested.	Sept. 5, 2023
Jury Selection/Trial.	Sept. 25, 2023

SO ORDERED

Dated: _____

Honorable Judge Alan D. Albright
UNITED STATES DISTRICT COURT JUDGE